

every positively recited structural feature defined by these claims. It is respectfully submitted that it does not.

First let us consider the claims being rejected as anticipated by Müller et al.

Claim 1 defines: a signal-generation unit; an input coupling unit; an antenna; and a receiving/evaluating circuit. The examiner suggests that Müller et al discloses this structure, and they do. Claim 1, however, also defines the antenna as one "having at least one dielectric layer containing a feed structure and a plurality of cutouts, with a number of said plurality of cutouts having at least one of: different dimensions and shapes." This structure is not disclosed by Müller et al. Note lines 14-18 on page 7 of the specification which relates the importance to the present invention of the "dimensions of the cutouts 12, in other words, here, on the length a and the width b of the slots." No such disclosure is found in Müller et al. The examiner has not commented on this distinction. This distinction, however, renders the invention novel over Müller et al, and the other references of record, which also fail to disclose this distinction.

Claims 2- 10 depend directly (claims 2, 3, 5, 6, 9 and 10), or indirectly (claims 4, 7 and 8) from claim 1 and define further features of the invention. Because of this dependency alone these claims, like claim 1, are also novel over Müller et al and the other references of record.

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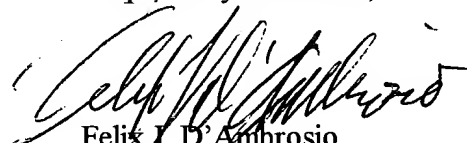
In rejecting claims 1, 2, 5-8 and 10 under 35 USC 103(a) over Locke in view of Bellee et al, the examiner relies on Bellee et al for their teaching of "a plurality of cutouts." Bellee et al does teach cutouts, but not cutouts with different dimensions and shapes. This is the distinction noted above which must also be taught by either Locke or Bellee et al if 35 USC

103(a) is to apply. See, *In re Oetiker*, 24 USPQ2d 1443 (Fed. Cir. 1992). Neither reference teaches this distinction, so that, unpatentability under 35 USC 103 cannot apply.

Whether applying 35 USC 102 or 103, the distinction relating to the varying dimensions of the cutouts *must* be taken into consideration. No such consideration was given to this important distinction in the examination to date. Accordingly, it is respectfully submitted that claims 1-10 are patentable over the art of record.

In view of the foregoing, reconsideration and re-examination are respectfully requested and claims 1-10 found allowable.

Respectfully submitted,



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December 16, 2002

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